

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Engineering

AGENDA DATE: August 23, 2005

CONTACT PERSON/PHONE: Rick Conner Ext: 4423

DISTRICT(S) AFFECTED: 1

SUBJECT:

That the City Manager be authorized to sign a Temporary Construction Easement for a portion of Lot 16, Block 6, Richmar Unit 4 and H.F. Fisher Survey, Abstract 38, Portion of Tract 34-A-5, El Paso, El Paso County, Texas, which easement is needed for the Rocky Bluff Drainage Improvement Project.

BACKGROUND / DISCUSSION:

The temporary construction easement is needed in order to allow the contractor to work on private property to complete the Rocky Bluff Drain Improvement project. The private property owner is granting permission to the City of El Paso to allow the contractor to perform the work.

PRIOR COUNCIL ACTION:

The City has not previously considered this item.

AMOUNT AND SOURCE OF FUNDING:

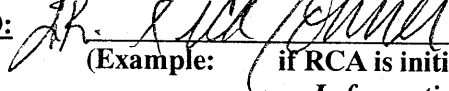
The City shall reimburse the Property owner \$10 (ten dollars) from Account # 14200402-PBE04FC104-29114-508027.

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: 
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Temporary Construction Easement for a portion of Lot 16, Block 6, Richmar Unit 4 and H.F. Fisher Survey, Abstract 38, Portion of Tract 34-A-5, El Paso, El Paso County, Texas, which easement is needed for the Rocky Bluff Drainage Improvement Project.

ADOPTED this ____ day of _____, 2005.

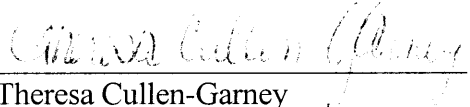
CITY OF EL PASO:

ATTEST:

Mayor

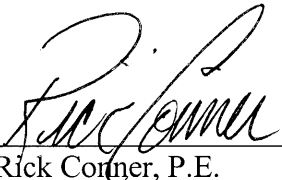
City Clerk

APPROVED AS TO FORM:



Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:



Rick Corner, P.E.
City Engineer

STATE OF TEXAS

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**TEMPORARY EASEMENT FOR
CONSTRUCTION**

COUNTY OF EL PASO

§

KNOW ALL MEN BY THESE PRESENTS:

That Mary S. Brock, of the County of El Paso, State of Texas, hereinafter called "Grantors", for and in consideration of the sum of TEN AND 00/100TH DOLLARS (\$10.00) and other good and valuable consideration paid, receipt of which is hereby acknowledged, does hereby grant to the CITY OF EL PASO, TEXAS, hereinafter "Grantee", a Municipal Corporation of the City of El Paso, State of Texas, a Temporary Easement in, upon and across the following described real property, collectively the "Property", situated in El Paso County, Texas, to-wit:

Parcel No. 1--a .0833 acre, more or less, parcel of land being a portion of Lot 16, Block 6, Richmar Unit 4, being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, and

together with the right of ingress and egress for all purposes incident to said grant, for the purpose of using and occupying such Property as additional workspace during construction of the Rocky Bluff Drainage Improvement Project. The permission to use the property for construction operation includes the right to move and remove equipment and supplies on the land and to perform any other work necessary and incident to the Project together with the right to trim, cut, fill and remove therefrom all trees, underbrush, obstructions and any other vegetation, structures or obstacles within the limits of the temporary construction easement; reserving, however, to the Grantors, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easements hereby acquired, subject, however, to existing easements for public utilities. The Property shall not be used it as a staging area. Upon completion of the Project, the surface of the temporary construction easement will be restored and cleaned and all vegetation shall be replaced to the condition it was prior to such entry to the full extent reasonably practicable. This

grant of authority shall extend to all contracts let by the City of El Paso or its construction contractor, personnel and other workers, sub contractors, and agents in furtherance of the objectives herein stated.

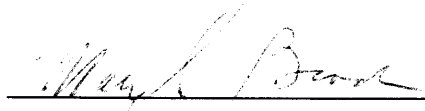
The easement and rights herein granted shall terminate on October 1, 2005, and Grantee shall furnish Grantors with an appropriate recordable instrument releasing the interest of Grantee and its assigns, if any, in the Temporary Easement herein granted.

Grantee shall have the right to assign all or any part its rights hereunder to third parties, provided, however, that Grantee shall remain fully liable for its obligations assumed hereunder and upon the completion of the Project, Grantee shall furnish Grantors with an appropriate instrument releasing the interest of any of Grantee's assignees in the Temporary Easement herein granted.

To the extent allowed by Texas State law, Grantee shall indemnify and hold Grantors harmless from and against any and all claims, demands, damages, suits, liabilities, costs and expenses including, but not limited to, attorney's fees, arising by reason of the death of or injury to persons or loss of or damage to Property caused by any exercise by Grantee or its assignee or assignees of any of the rights granted hereunder, during the period of construction of the Project.

IN WITNESS WHEREOF this instrument is executed on the 26th day of July, 2005.

Mary S. Brock

A handwritten signature in cursive script, appearing to read "Mary S. Brock", is written over a horizontal line.

(Signatures continued on next page)

CITY OF EL PASO:

City Manager

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Theresa Cullen-Garney
Deputy City Attorney

Rick Conner, P.E.
City Engineer

ACKNOWLEDGMENTS

THE STATE OF TEXAS)

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COUNTY OF EL PASO)

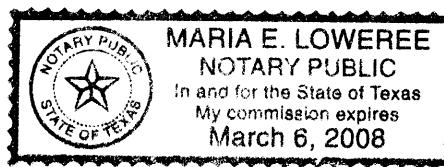
This instrument is acknowledged before me on this 26th day of July, 2005, by Mary S. Brock.

Maria E. Lowerree
Notary Public, State of Texas

THE STATE OF TEXAS)

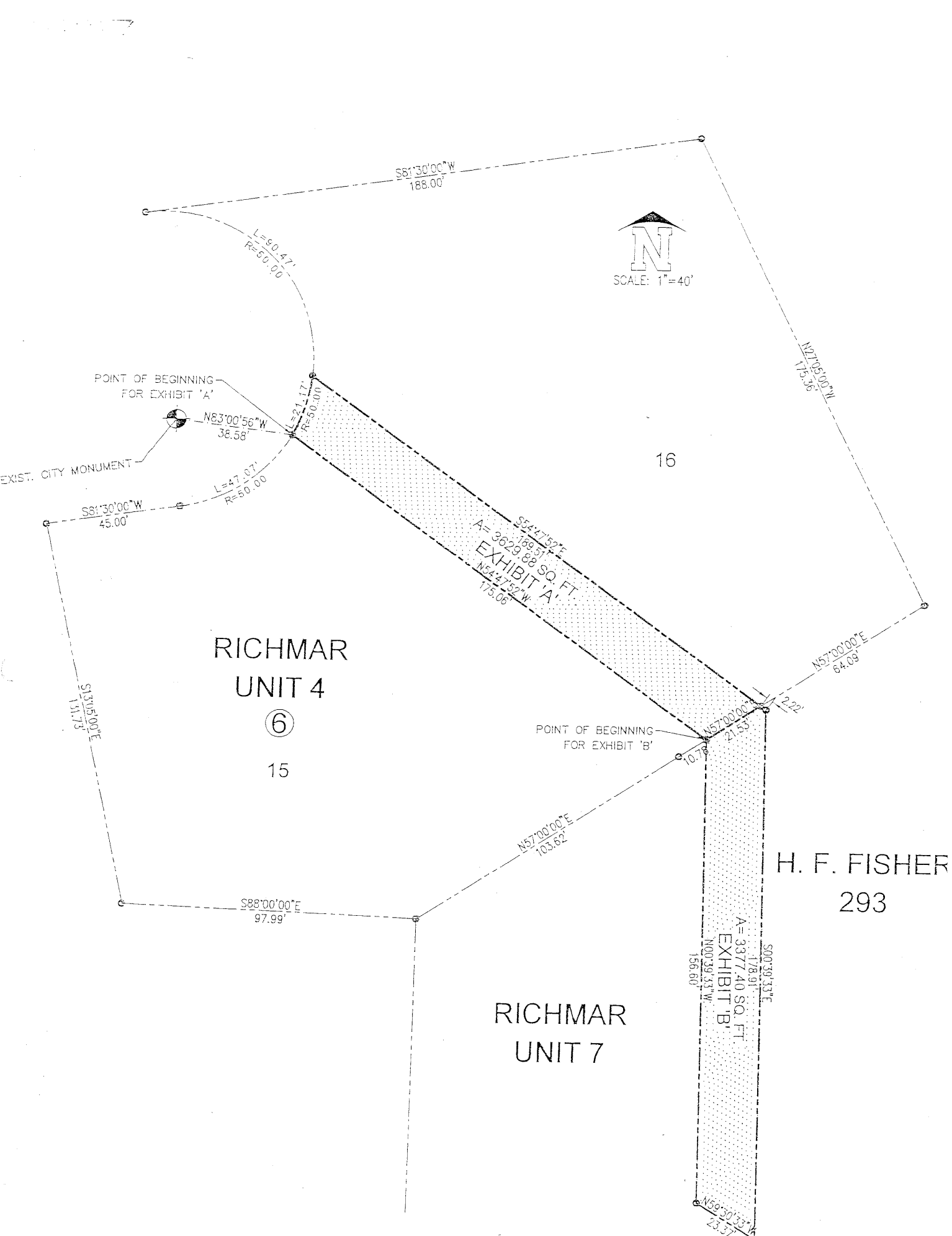
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COUNTY OF EL PASO)



This instrument is acknowledged before me on this _____ day of _____, 2005, by _____, as City Manager of the City of El Paso.

Notary Public, State of Texas



RICHMAR
UNIT 4

⑥

15

RICHMAR
UNIT 7

H. F. FISHER
293

S54°47'50"E
A = 3629.88
EXHIBIT 'A'
N54°47'52"W
175.06'

S00°39'33"E
A = 3377.40
EXHIBIT 'B'
N00°39'33"W
156.60'

POINT OF BEGINNING
FOR EXHIBIT 'A'

POINT OF BEGINNING
FOR EXHIBIT 'B'

EXIST. CITY MONUMENT